**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

|   |                             |                               |                    |
|---|-----------------------------|-------------------------------|--------------------|
| <b>Application Number</b>                       | 10/698138                   |                               |                    |
|   | <b>Filing Date</b>          | 10/30/2003                    |                    |
|   | <b>First Named Inventor</b> | Carballo                      |                    |
|   | <b>Art Unit</b>             |                               |                    |
|   | <b>Examiner Name</b>        |                               |                    |
| <b>Total Number of Pages in This Submission</b> | 8                           | <b>Attorney Docket Number</b> | AUS9 2003 0656 US1 |

**ENCLOSURES (Check all that apply)**

|  |   |   |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form                                | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> After Allowance communication to Technology Center (TC)        |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences     |
| <input checked="" type="checkbox"/> Amendment/Reply                          | <input type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)                           | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Extension of Time Request                           | <input type="checkbox"/> Terminal Disclaimer  | <input type="checkbox"/> Other Enclosure(s) (please identify below):                    |
| <input type="checkbox"/> Express Abandonment Request                         | <input type="checkbox"/> Request for Refund   | Return Receipt Postcard   |
| <input type="checkbox"/> Information Disclosure Statement                    | <input type="checkbox"/> CD, Number of CD(s) _____                                      |   |
| <input type="checkbox"/> Certified Copy of Priority Document(s)              | <b>Remarks</b>  |   |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application    |   |   |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 |   |   |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|                                |                   |
|--------------------------------|-------------------|
| <b>Firm or Individual name</b> | Joseph P. Lally   |
| <b>Signature</b>               |                   |
| <b>Date</b>                    | November 18, 2003 |

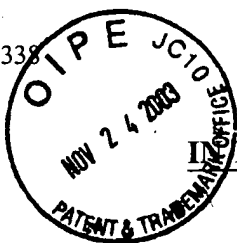
**CERTIFICATE OF TRANSMISSION/MAILING**


I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

|                              |                 |             |                   |
|------------------------------|-----------------|-------------|-------------------|
| <b>Typed or printed name</b> | Joseph P. Lally |             |                   |
| <b>Signature</b>             |                 | <b>Date</b> | November 18, 2003 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|             |   |   |  |                           |
|-------------|---|---|--|---------------------------|
| Applicant:  | <b>Carballo</b>   | § | Group Art Unit:  | <b>Unknown</b>            |
|             |   | § |  |                           |
| Serial No.: | <b>10/698138</b>  | § | Examiner:  | <b>Unknown</b>            |
|             |   | § |  |                           |
| Filed:      | <b>October 30, 2003</b>   | § | Attorney Docket:   | <b>AUS9 2003 0656 US1</b> |
|             |   | § |  |                           |
| For:        | <b>CUSTOMER CONTROLLED<br/>DESIGN OF A<br/>COMMUNICATION SYSTEM</b> | § | I, the undersigned <u>Joseph P. Lally</u> , hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the US Postal Service with sufficient postage as first class mail in an envelope addressed to: MAIL STOP NON-FEE AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 |                           |
|             |   | § |  |                           |
|             |   | § | November 18, 2003  |                           |
|             |   | § | Date   |                           |
|             |   | § |  Signature  |                           |

**PRELIMINARY AMENDMENT**

MAIL STOP NON-FEE AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Prior to examining the above referenced application, please amend the case as follows:

**Amendments to the Claims** begin on page 2 of this paper.

**Remarks** begin on page 7 of this paper.